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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,
9 Plaintiff,
10 v.
11 DAVID ANDRE WEAVER,
12 Defendant.

2:20-CR-182-APG-EJY
Preliminary Order of Forfeiture

13 This Court finds David Andre Weaver pled guilty to Count One of a One-Count
14 Criminal Information charging him in Count One with felon in possession of a firearm in
15 violation of 18 U.S.C. § 922(g)(1). Criminal Information, ECF No. __; Change of Plea,
16 ECF No. __; Plea Agreement, ECF No. __.

17 This Court finds David Andre Weaver agreed to the forfeiture of the property set
18 forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information.
19 Criminal Information, ECF No. __; Change of Plea, ECF No. __; Plea Agreement, ECF
20 No. __.

21 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United
22 States of America has shown the requisite nexus between property set forth in the Plea
23 Agreement and the Forfeiture Allegation of the Criminal Information and the offense to
24 which David Andre Weaver pled guilty.

25 The following property is any firearm or ammunition involved in or used in any
26 knowing violation of 18 U.S.C. § 922(g)(1), and is subject to forfeiture pursuant to 18 U.S.C.
27 § 924(d)(1) with 28 U.S.C. § 2461(c):

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- 1 1. a Taurus model G2C 9mm semi-automatic handgun, bearing serial number
- 2 TLO70317, with a thirty (30) round magazine; and
- 3 2. any and all ammunition;

4 (all of which constitutes property).

5 This Court finds that the United States of America may amend this order at any time
6 to add subsequently located property or substitute property to the forfeiture order pursuant
7 to Fed. R. Crim. P. 32.2(b)(2)(C) and 32.2(e).

8 This Court finds the United States of America is now entitled to, and should, reduce
9 the aforementioned property to the possession of the United States of America.

10 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
11 DECREED that the United States of America should seize the aforementioned property.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
13 rights, ownership rights, and all rights, titles, and interests of David Andre Weaver in the
14 aforementioned property are forfeited and are vested in the United States of America and
15 shall be safely held by the United States of America until further order of the Court.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
17 of America shall publish for at least thirty (30) consecutive days on the official internet
18 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
19 describe the forfeited property, state the time under the applicable statute when a petition
20 contesting the forfeiture must be filed, and state the name and contact information for the
21 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
22 and 21 U.S.C. § 853(n)(2).

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
24 or entity who claims an interest in the aforementioned property must file a petition for a
25 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
26 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §
27 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's
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1 right, title, or interest in the forfeited property and any additional facts supporting the
2 petitioner's petition and the relief sought.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
4 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
5 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was
6 not sent, no later than sixty (60) days after the first day of the publication on the official
7 internet government forfeiture site, www.forfeiture.gov.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
9 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
10 Attorney's Office at the following address at the time of filing:

11 Daniel D. Hollingsworth
12 Assistant United States Attorney
13 James A. Blum
14 Assistant United States Attorney
15 501 Las Vegas Boulevard South, Suite 1100
16 Las Vegas, Nevada 89101.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
18 described herein need not be published in the event a Declaration of Forfeiture is issued by
19 the appropriate agency following publication of notice of seizure and intent to
20 administratively forfeit the above-described property.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
22 copies of this Order to all counsel of record.

23 DATED September 23, 2020.

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UNITED STATES DISTRICT JUDGE